

right to use such creek, cove or inlet when the mouth of said creek, cove or inlet is one hundred yards or less in width; and when the said creek, cove or inlet is more than one hundred yards in width at its mouth at low water, the said owner or other lawful occupant shall have exclusive right to use such creek, cove or inlet so soon as said creek, cove or inlet in making into said land or lands shall become one hundred yards in width at low water, for preserving, depositing, bedding or sowing oysters or other shell fish, although such cove, creek or inlet may not be included in the lines of any patent; and in all such cases such rights of the riparian proprietor shall extend to the middle of such creek, cove or inlet.

There is no conflict between this section and sec. 50. If more than twelve months subsequent to location of a private bed, the creek becomes less than one hundred yards wide, right to said bed is no longer good as against riparian owner. Equity has jurisdiction to protect and enforce rights of a riparian owner under this section, subject to right of the original owner of the bed to remove oysters already planted, within a reasonable time. *Powell v. Wilson*, 85 Md. 358.

Cited but not construed in *Windsor v. State*, 103 Md. 613.

See notes to sec. 50.

An. Code, 1924, sec. 52. 1912, sec. 50. 1904, sec. 49. 1894, ch. 380, sec. 48. 1896, ch. 418.

53. It shall be unlawful, without authority from the owner, for any person or persons to take or catch planted or bedded oysters, knowing them to be so planted or bedded, or to remove, break off, destroy, or otherwise injure or alter any stakes, bounds, marks, buoys or other designation of any of said beds; any person or persons violating the provisions of this section or section 52 of this article shall be guilty of a misdemeanor and upon conviction thereof before the circuit court or a justice of the peace for the county where the oysters were bedded, shall be liable to the fines and penalties in section 50 of this article.

An. Code, 1924, sec. 53. 1912, sec. 51. 1904, sec. 50. 1894, ch. 380, sec. 49.

54. Any person convicted before a justice of the peace under any of the preceding provisions of this article shall in all cases have the right of an appeal to the circuit court for the county.

No appeal lies from the judgment of the circuit court under this section, whether the justice had jurisdiction or not. *Messick v. State*, 82 Md. 585.

No appeal lies from determination, in accordance with sec. 50, of circuit court that an appropriated bed is a natural bed, and setting aside location. *Jackson v. Bennett*, 80 Md. 77.

See sec. 32.

Craighill Channel.

An. Code, 1924, sec. 54. 1912, sec. 52. 1904, sec. 51. 1894, ch. 380, sec. 50.

55. Any person dragging, raking or dredging for oysters within five hundred yards of either edge of the new channel at the mouth of the Patapsco river, known as the Craighill channel, extending from the seven-foot knoll to the mouth of the Magothy river, or within five hundred yards of either edge of the cut-off connecting the Brewerton and Craighill channels, shall forfeit his boat or vessel; and it shall be lawful for any justice of the peace of the county or city in which such person shall be arrested to try such person, and on conviction to condemn said boat or vessel and sell the same on five days' notice and fine the said offender a sum not less than five dollars nor more than twenty-five dollars for each and every offense; and the said justice of the peace shall pay over one-half of said fines and forfeitures to the informer and the other half to the school board of said county or city.